

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JERRY UVARIUS TOWNSEL,

Plaintiff,

v.

TOMAS GAHAN, et al.,

Defendants.

Case No. C12-1165-RAJ-BAT

**ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL AND
GRANTING DEFENDANTS'
MOTION TO STAY DISCOVERY
PENDING RESOLUTION OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Plaintiff moved to compel discovery, contending that defendants' failure to respond to his first request for production of documents was interfering with his ability to move for summary judgment. (Dkt. 23.) Shortly thereafter, defendants moved for summary judgment based on *Heck v. Humphrey*, absolute immunity, and qualified immunity, and for a stay of discovery pending resolution of the summary-judgment motion. (Dkt. 24.) Defendants provided *Rand* notice to plaintiff about the significance of a summary-judgment motion and the documentary requirements of a party opposing such a motion. (Dkt. 29.) In response, plaintiff stated that he has responded fully to the summary-judgment motion with citation to authenticated documents. (Dkt. 30, at 1–2.) In fact, it is clear that plaintiff's response to defendants' summary-judgment motion is a slightly modified version of a motion for summary judgment that plaintiff filed in

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1 July 2012. (*Compare* Dkt. 8 with Dkt. 30.) Plaintiff has not moved for additional time or
2 additional discovery materials in order to respond adequately to defendants' motion for summary
3 judgment. *See* Fed. R. Civ. P. 56(e).

4 The Court **DENIES** plaintiff's motion to compel discovery materials. (Dkt. 23.) Plaintiff
5 has not indicated how any of the materials requested would be relevant to the questions raised in
6 defendants' motion for summary judgment regarding a *Heck* bar, absolute immunity, or qualified
7 immunity. The Court **GRANTS** defendants' motion to stay discovery pending resolution of
8 defendants' motion for summary judgment. (Dkt. 24.) Plaintiff is advised that it would be
9 premature to file his own cross-motion for summary judgment on the merits prior to the Court's
10 resolution of defendants' current motion for summary judgment based on a *Heck* bar, absolute
11 immunity, and qualified immunity.

12 DATED this 13th day of November, 2012.

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15 BRIAN A. TSUCHIDA
16 United States Magistrate Judge
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